HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
And
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

W.P. NO.11414 OF 2006

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Between:
A.P. Pollution Control Board

.....Petitioner

AND

M/s. Balaji Batteries and others

.....Respondents

::JUDGMENT::

Counsel for the Petitioner : Sri S.V.Bhatt

Counsel for Respondent No.1 : Sri M. Papa Reddy

Counsel for Respondent No. 2 : Sri K.Mohanrami Reddy for Sri M.Sreeramula Reddy

Counsel for Respondent No. 3 : None

Counsel for Respondent No.4 : Government Pleader for Forests.

Dated 30/6/2006

Per Sri G.S.Singhvi, CJ

In this petition filed under Article 226 of the Constitution, the Andhra Pradesh Pollution Control Board (for short 'the Board') has prayed for setting aside a portion of order dated 16.05.2006 vide which the Appellate Authority constituted under Water (Prevention and Control of Pollution) Act, 1974 (for short 'the Water Act') and Air (Prevention and Control of Pollution) Act, 1981 (for short 'the Air Act'), while dismissing the appeal filed by respondent No.1 against the closure order, granted liberty to it to continue to operate for a period of three months.

Respondent No.1 is an industrial unit engaged in the manufacture of batteries. Its location is within 10 kms. radius of Osman Sagar and Himayat Sagar Lakes and in the catchment of Noor Mohammed Kunta. After issuing notice and hearings its representative, the Board passed order dated 17-4-2006 for closure of the industry. The appeal preferred by respondent No.1 was dismissed by the appellate authority, but liberty was granted to it to operate for a period of three months.

Sri S.V. Bhatt says that the issue raised in this petition is identical to the one decided today in Writ Petition No.11208 of 2006. Learned counsel for respondent No.1 does not dispute the statement of Sri Bhatt.

In view of the above, the writ petition is disposed of in terms order passed today in Writ Petition No.11208 of 2006 with a

direction that the detailed reasons recorded in that order shall be read as part of this order.

G.S.SINGHVI, CJ

Dt.30.6.2006

G.V.SEETHAPATHY, J

svs